

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION

**ANGEL MARTINEZ, on his
own behalf and on behalf
of all others similarly
situated, Plaintiff**

v.

3:16-cv-00032-MPM-JMV

**TRI-STATE ENTERPRISES,
LLC; REGINA BROCK; LEE
BROCK; and MICHAEL
BROCK, Defendants**

ORDER

This matter comes before the Court on the Plaintiff's Motion to Compel Discovery Responses (No. 32) and Motion for Contempt (No. 33). Having been advised of the agreement of the parties, and finding the agreement well-taken, the Court ORDERS as follows:

1. The Defendants shall comply with all outstanding obligations directed by this Court no later than December 1, 2016. These obligations are: 1) service of initial disclosures and the filing of a certificate of service; 2) service of information in compliance with the Court's Order granting class certification (No. 30); 3) payment of \$425 in attorney's fees to plaintiff's counsel Matthew Reid Krell.
2. The Defendants shall respond to all outstanding discovery no later than December 1, 2016 (No. 27). All objections to outstanding discovery are waived.
3. All outstanding requests for admission are admitted (No. 27).
4. The Court finds that the Defendants have failed to answer interrogatories and respond to requests for inspection or production. Under the Court's authority under Fed. R. Civ. P. 37(d)(1)(A)(ii) and 37(d)(3), the Court rules that for the purposes of this action, all opt-in plaintiffs in this matter shall be deemed to have opted in as of the date on which the Complaint in this matter was filed. Plaintiff's counsel is

directed to add the following language to the court-approved notice they will send to potential class members:

“If you choose to join this action as an opt-in plaintiff, you will be treated as if you had filed your lawsuit on February 13, 2016. If you choose to file your own lawsuit, you will be treated as if you had filed your lawsuit on the date you file it.”

5. The status conference set for January 17, 2017 (No. 31) is CANCELLED. The Court shall reschedule that conference by separate order.

6. All other relief sought in these two motions is denied without prejudice.

IT IS SO ORDERED this 15th day of November, 2016.

/s/ Jane M. Virden
United States Magistrate Judge